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Ritesh Bawri

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06/21/2007

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EXAMINER

AKINTOLA, OLABODE

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

06/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/922,762

Applicant(s)

BAWRI, RITESH

Examiner

Olabode Akintola

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to applicant's amendment filed on 4/5/2007.

Response to Arguments

Applicant's arguments filed on 4/5/2007, with respect to the rejection(s) of claims under 102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art reference(s).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 12-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Eldering (USPN 6324519) (hereinafter referred to as Eldering).

Re claim 1: Eldering teaches a method of evaluating and trading purchaser information, comprising the steps of: capturing purchasing information from a buyer during the purchase cycle (col. 4, lines 11-28); converting the information into an asset that the buyer can own (col.

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4, lines 32-36, col. 5, lines 1-5); identifying potential sellers based upon the purchasing information (col. 3, lines 56-64, col. 9, lines 50-56); conducting an auction whereby the potential sellers or merchants bid on the information without knowing the details thereof (abstract, col. 10, lines 29-41); and selling the information to the highest bidder, enabling that seller or sellers to market directly to the buyer (col. 10, lines 43-55).

Re claims 2 and 14: Eldering teaches wherein the buyer is interested in buying durable goods (col. 4, lines 17-28; col. 9, lines 16-20).

Re claim 4: Eldering teaches the step of applying a formula to the information to arrive at a valuation therefore (col. 7, lines 31-60; col. 10, lines 40-42).

Re claims 5 and 13: Eldering teaches wherein the buyer is compensated as a function of the valuation (col. 4, lines 32-36, col. 5, lines 1-5).

Re claim 8: Robinson teaches wherein the information includes demographics and psychographics (col. 1, lines 63-65).

Re claims 11 and 20: Eldering teaches, if only one seller is selected, one or more competitors are solicited to submit additional bids unknown to the buyer (col. 10, lines 42-56).

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Re claim 12: Eldering teaches the step of setting up a personal information savings account for the seller containing one or more of the following: a) a history of purchases made by the buyer through the system, b) the amount of discount(s) received from sellers, and c) compensation received for sharing the purchasing information (col. 4, lines 28-36).

Re claim 16: Eldering teaches the step wherein valuation of the information is based upon a market price derived from one or more of the following: a) the right to market to the buyer, b) the time frame of the buyer's purchasing decision, c) the seller's internal operational efficiency, and d) the number of competing sellers in running (col. 10, lines 29-55).

Re claim 21: Robinson teaches the step wherein the vendor markets in a personalized and individualized manner to the customer based on the specific attributes expressed by the customer during the purchase cycle (col. 10, lines 16-19, 52-55).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering

Re claims 3 and 15: Eldering does not explicitly teach wherein the durable goods include a motor vehicle. However, Eldering teaches items. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Eldering to include automobiles. One would have been motivated to do so in order to make the system available for all sorts of goods including automobiles, thereby enhancing the functionality of the system.

Re claims 6 and 17: Eldering does not explicitly teach wherein the communications between the buyer and seller are encrypted. Official notice is hereby taken that this feature is notorious old and well known. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Eldering to include this feature. One would have been motivated to do so in order to protect information exchange between buyer and seller, thereby enhancing the security of the communication.

Claims 7 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering as applied to claim 1 above, and further in view of Robinson et al (USPAP 20010054001) (hereinafter referred to as Robinson).

Re claims 7 and 18: Eldering does not explicitly teach the step of compiling the information from a plurality of customers to generate market research reports. Robinson teaches the step of compiling the information from a plurality of customers to generate market research reports (section 0038). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Eldering to include this feature. One would have been motivated to do so in order to study the response to products and advertisement.

Claims 9-10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eldering as applied to claim 1 above, and further in view of Goldhaber et al (USPN 5794210) (hereinafter referred to as Goldhaber).

Re claims 9-10 and 19: Eldering teaches wherein some of the information is gathered through a questionnaire completed by the buyer (col. 5, lines 30-33). Eldering does not explicitly teach this feature during the registration thereof; and wherein the buyer is permitted to update the information if their purchasing ability or intent changes. Goldhaber teaches wherein some of the information is gathered through a questionnaire completed by the buyer during the registration

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thereof (col. 6, lines 46-48); wherein the buyer is permitted to update the information if their purchasing ability or intent changes (col. 6, lines 49-60). It would have been obvious to one of ordinary skill in the art the time of the invention to modify Eldering to include these steps taught by Goldhaber. One would have been motivated to do so in order to create dynamic profiles.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA



HANI M. KAZIMI
PRIMARY EXAMINER